

County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney Suite 549, 12000 Government Center Parkway Fairfax, Virginia 22035-0064 Phone: (703) 324-2421; Fax: (703) 324-2665 www.fairfaxcounty.gov

DATE:

September 5, 2014

TO:

Michael Van Atta, Staff Coordinator

Zoning Evaluation Division

Department of Planning and Zoning

FROM:

Jo Ellen Groves, Paralegal

Office of the County Attorney

SUBJECT:

Affidavit

Application No.: PCA 2010-LE-005

Applicant: Gramm Springfield Property, LLC

PC Hearing Date: 9/17/14 BOS Hearing Date: 9/23/14

REF.:

124149

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 9/5/14, which bears my initials and is numbered 124149b, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Jonathan Buono, Planning Technician I (Sent via e-mail)

Zoning Evaluation Division

Department of Planning and Zoning

REZONING AFFIDAVIT

DATE: September 5, 2014 (enter date affidavit is notarized) L Elizabeth A. Nicholson, agent , do hereby state that I am an (enter name of applicant or authorized agent) 1241496 applicant (check one) applicant's authorized agent listed in Par. 1(a) below in Application No.(s): PCA 2010-LE-005 (enter County-assigned application number(s), e.g. RZ 88-V-001) and that, to the best of my knowledge and belief, the following information is true: The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE 1(a). OWNERS, CONTRACT PURCHASERS, and LESSEES of the land described in the application,* and, if any of the foregoing is a TRUSTEE, ** each BENEFICIARY of such trust, and all ATTORNEYS and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application: (NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.) RELATIONSHIP(S) NAME (enter applicable relationships (enter number, street, city, state, and zip code) (enter first name, middle initial, and listed in **BOLD** above) last name) Applicant/Contract Purchaser of 8448 Leesburg Pike 3 Gramm Springfield Property, LLC Tax Map 90-4 ((1)) 6A3 Agents: Vienna, VA 22182 Jay S. Cunningham James V. Gramm Gramm Springfield Hyundai Property, 8448 Leesburg Pike Contract Purchaser of Tax Map 90-4 ((1)) 6A4 Vienna, VA 22182 LLC Agents: Jay S. Cunningham James V. Gramm

Michael L. Swartz (check if applicable)

Michael F. Jennings Diane C. Jennings

Agents:

Jennings Business Park, LLC

[/] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

Title Owner of Tax Map

90-4 ((1)) 6A5, 6A4, 6A3, 6A2

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

6570 Amherst Avenue Springfield, VA 22150

** List as follows: <u>Name of trustee</u>, Trustee for (<u>name of trust</u>, <u>if applicable</u>), for the benefit of: (<u>state name of each beneficiary</u>).

Page 1 of 2

Rezoning Attachment to Par. 1(a)

DATE: September 5, 2014

(enter date affidavit is notarized)

1241496

for Application No. (s): PCA 2010-LE-005

(enter County-assigned application number (s))

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)	
Walsh, Colucci, Lubeley & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Andrew A. Painter Matthew J. Allman Elizabeth D. Baker	2200 Clarendon Boulevard Suite 1300 Arlington, Virginia 22201	Attorneys/Planners/Agent Attorney/Agent Planner/Agent	
Inda E. Stagg Elizabeth A. Nicholson		Planner/Agent Planner/Agent	
Gorove/Slade Associates, Inc. Agents: Christopher M. Tacinelli Cheryl L. Sharp (former) Chad A. Baird	1140 Connecticut Avenue, NW Suite 700 Washington, DC 20036	Transportation Consultant/Agent	
Independent Consultants & Engineers, Inc.	15861 Commerce Court Upper Marlboro, MD 20774-7412	Environmental Engineer/Agent	
Agent: Jules D. Reese			
Walter L. Phillips, Incorporated Agents: Monica R. Westgate Jeffrey J. Stuchel William H. Prodo Benjamin A. Flood	207 Park Avenue Falls Church, Virginia 22046	Engineer/Agent	
(check if applicable) [✓]	There are more relationships to be listed and on a "Rezoning Attachment to Par. 1(a)"		

FORM RZA-I Updated (7/1/06) • Information apdated since the printing of the 9/2/14 Staff Report.

	DATE: September 5, 2014	124149b
	(enter date affidavit is notarized)	124141
for Application No. (s):	PCA 2010-LE-005	
	(enter County-assigned application number (s))	

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed

together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner , etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.						
NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)				
- Land Strategies, Inc. Agent: - Michael A. Bruzzesi	26037 Springdale Drive South Riding, Virginia 20152	Environmental/Agent				
Agents: Jonathan J. Penney Patrick G. Swift Sandra G. Hernandez Catilllo Jesus A. Macedo Gomez	8120 Woodmont Avenue, Suite 450 Bethesda, Maryland 20814	Architect/Agent for Jennings Business Park, LLC				
Flanagan Architects, P.C. Agents: Thomas D. Flanagan Christopher K. McKneely Keith W. Stricker	8120 Woodmont Avenue, #107 Bethesda, MD 20814	· Architect/Agent for Gramm Springfield Hyundai Property, LLC and Gramm Springfield Property, LLC				

There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form. (check if applicable) []

REZONING AFFIDAVIT

DATE: September 5, 2014

(enter date affidavit is notarized)

1241496

for Application No. (s):	PCA 2010-LE-	005			_
(enter County-assigned application number(s))					
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1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(<u>NOTE</u>: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Jennings Business Park, LLC
6570 Amherst Avenue
Springfield, VA 22150

DESCRIPTION OF CORPORATION: (check one statement)

There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

- Michael F. Jennings, Member and Manager
- Diane C. Jennings, Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

Michael F. Jennings, President, Secretary and Treasurer

(check if applicable) [] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

DATE: September 5, 2014	1- 1 (1)
(enter date affidavit is notarized)	1241496
for Application No. (s): PCA 2010-LE-005 (enter County-assigned application number (s))	
NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, Gramm Springfield Property, LLC 8448 Leesburg Pike Vienna, VA 22182	city, state, and zip code)
 DESCRIPTION OF CORPORATION: (check one statement) [✓] There are 10 or less shareholders, and all of the shareholders are listed by the shareholders owning class of stock issued by said corporation are listed below. [] There are more than 10 shareholders, but no shareholder owns 10% or measurements of the shareholder owns 10% or measurements. 	10% or more of any
NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name James V. Gramm, Sole Member/Manager)
NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, cit Gramm Springfield Hyundai Property, LLC 8448 Leesburg Pike	
Vienna, VA 22182 DESCRIPTION OF CORPORATION: (check one statement) [/] There are 10 or less shareholders, and all of the shareholders are listed b [] There are more than 10 shareholders, and all of the shareholders owning class of stock issued by said corporation are listed below. [] There are more than 10 shareholders, but no shareholder owns 10% or m of stock issued by said corporation, and no shareholders are listed below. NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name) James V. Gramm, Sole Member/Manager	10% or more of any nore of any class
NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last nam President, Vice-President, Secretary, Treasurer, etc.)	ne, and title, e.g.
(check if applicable) [1] There is more corporation information and Par. 1(b) is cor "Rezoning Attachment to Par. 1(b)" form.	ntinued further on a

		8	` '	
	DATE	: September 5, 2014		7414
C 4 1' ' 37	() PCA 2010 I	(enter date affidavit is notar	rized)	24,9
for Application No	(s): 1CA 2010-1 (enter (County-assigned application nur	mber (s))	
NAME & ADDRE Walsh, Colucci, Lubeley 2200 Clarendon Boulev. Arlington, Virginia 2220	y & Walsh, P.C. ard, Suite 1300	FION: (enter complete name, nur	mber, street, city, state, and zip cod	le)
[] The [/] The clas	re are 10 or less shar re are more than 10 s s of stock issued by s re are more than 10 s	N: (check one statement) eholders, and all of the shareholde hareholders, and all of the shareho aid corporation are listed below. hareholders, but no shareholder ow oration, and no shareholders are lis	lders owning 10% or more of any vns 10% or more of any class of	
David J. Bomgardner, E. John H. Foote, H. Mark (Andrew Burcher, Thom Goetzman, Bryan H. Gui	(enter first name, middle initial, a as J. Colucci, Michael J. Coughlin, Peter dash, Michael J. Kalish, Michael D. Lub I. Smith, Lynne J. Strobel, Garth M. Wai	r M. Dolan, Jr., Jay du Von, William A. I beley, J. Randall Minchew, G. Evan Pritc	Fogarty, hard,
NAMES OF OFFICE President, Vice-President		ORS: (enter first name, middle ini reasurer, etc.)	tial, last name, and title, e.g.	
NAME & ADDRES Walter L. Phillips, Incorp 207 Park Avenue Falls Church, VA 22046	porated	ON: (enter complete name, numb	per, street, city, state, and zip code)	
		(check one statement)		
		cholders, and all of the shareholder hareholders, and all of the shareholders.		
clas	s of stock issued by s	aid corporation are listed below.		
[] The of st	re are <u>more than 10</u> s tock issued by said co	hareholders, but <u>no shareholder ow</u> orporation, and <u>no shareholders are</u>	<u>/ns 10% or more</u> of any class <u>clisted below.</u>	
NAMES OF THE S Brian G. Baillargeon Jeffrey J. Stuchel Aaron M. Vinson Karen L. White	HAREHOLDERS:	(enter first name, middle initial, ar	nd last name)	
NAMES OF OFFIC President, Vice-Pres		ORS: (enter first name, middle ini reasurer, etc.)	tial, last name, and title, e.g.	
(check if applicable)		more corporation information and P ng Attachment to Par. 1(b)" form.	'ar. 1(b) is continued further on a	

			O	Ì	,	
		DATE: S	September 5,	2014		
	DC 4		(enter date at	fidavit is notariz	zed)	1241496
for Application	No. (s): PCF	(enter Cou	ntv-assigned:	application numl	ber (s))	
NAME & ADD Independent Consu 15861 Commerce C Upper Marlboro, M	Itants & Engineers	` RPORATIO	, ,			state, and zip code)
	There are 10 or There are more class of stock is There are more	less shareho than 10 share sued by said than 10 share	lders, and all or cholders, and all corporation are cholders, but no	f the shareholders I of the sharehold	ers owning 10% s 10% or more	% or more of any
NAMES OF TH Judith K. Reese Jules D. Reese	HE SHAREHO	OLDER: (er	nter first name,	middle initial, and	d last name)	
President, Vice-	President, Secretary Secre	etary, Treas	eurer, etc.)	eame, middle initia		ate, and zip code)
	OF CORPOR There are 10 or There are more class of stock is There are more of stock issued	less sharehol than 10 share sued by said than 10 share by said corpo	ders, and all of cholders, and all corporation are cholders, but no cration, and no	the shareholders and of the shareholders	ers owning 10% s 10% or more isted below.	% or more of any
Christopher M. Taci Chad A. Baird Daniel B. VanPelt Erwin N. Andres	nelli					
NAMES OF OI President, Vice-				ame, middle initia	al, last name, ai	nd title, e.g.
(check if applicab	le) [/]		re corporation in	nformation and Par ar. 1(b)" form.	. 1(b) is continu	ed further on a

	DATE: September 5, 2014	1- 101
Con Annaliandian Na (a)	(enter date affidavit is notarized)	1241496
for Application No. (s):	(enter County-assigned application number (s))	
NAME & ADDRESS OF Land Strategies, Inc. 26037 Springdale Drive South Riding, Virginia 20152	CORPORATION: (enter complete name, number, street, city, state	te, and zip code)
[/] There are I class of sto There are I stock issue	RPORATION: (check <u>one</u> statement) 10 or less shareholders, and all of the shareholders are listed below. more than 10 shareholders, and all of the shareholders owning 10% or ock issued by said corporation are listed below. more than 10 shareholders, but no shareholder owns 10% or more of a ed by said corporation, and no shareholders are listed below.	
NAMES OF THE SHAR Michael A. Bruzzesi	EHOLDER: (enter first name, middle initial, and last name)	
President, Vice-President,	& DIRECTORS: (enter first name, middle initial, last name, and ti Secretary, Treasurer, etc.) CORPORATION: (enter complete name, number, street, city, state,	
DESCRIPTION OF CORD [/] There are 1	PORATION: (check one statement) 10 or less shareholders, and all of the shareholders are listed below. more than 10 shareholders, and all of the shareholders owning 10% or ock issued by said corporation are listed below. more than 10 shareholders, but no shareholder owns 10% or more of a sued by said corporation, and no shareholders are listed below. EHOLDERS: (enter first name, middle initial, and last name)	
	& DIRECTORS: (enter first name, middle initial, last name, and ti Secretary, Treasurer, etc.)	itle, e.g.
(check if applicable) [J	There is more corporation information and Par. 1(b) is continued f "Rezoning Attachment to Par. 1(b)" form.	urther on a

		DATE:	September 5, 20			1241496
for Application	No. (s): PCA	A 2010-LE-	(enter date affi -005	davit is notarized)	,	
		(enter Cou	unty-assigned ap	plication number	(s))	
NAME & ADI Flanagan Architec 8120 Woodmont / Bethesda, MD 208	ts, P.C. Avenue, #107	RPORATIO	ON: (enter comp	lete name, number,	street, city, state, and zip	code)
[]	There are 10 or There are more class of stock is There are more stock issued by	less shareho than 10 shar ssued by said than 10 shar said corpora	reholders, and all of decorporation are li- reholders, but no s ation, and no share	he shareholders are of the shareholders of sted below.	owning 10% or more of a 0% or more of any class or elow.	
President, Vice	-President, Sec	retary, Trea	surer, etc.)		ast name, and title, e.g.	
[] []	There are 10 or There are more class of stock is There are more of stock issued	less shareho than 10 shar sued by said than 10 shar by said corpo	reholders, and all of learning to the learning are listered and the learning to the learning and the learning and learning	te shareholders are lefthe shareholders of sted below.	owning 10% or more of a 1% or more of any class 1 below.	ny
NAMES OF O President, Vice				me, middle initial, la	ast name, and title, e.g.	
(check if applical	ble) []		ore corporation info		b) is continued further on a	

Page Three

REZONING AFFIDAVIT

	DATE: September 5, 2014	
	(enter date affidavit is notarized)	124,491
for Application No. (s)	e: PCA 2010-LE-005	
	(enter County-assigned application number(s))	
	constitutes a listing*** of all of the PARTNERS , both GENERAL ip disclosed in this affidavit:	L and LIMITED, in
	PARTNERSHIP INFORMATION	
PARTNERSHIP NA None	AME & ADDRESS: (enter complete name, number, street, city, state	and zip code)
(check if applicable)	[] The above-listed partnership has <u>no limited partners</u> .	
	E OF THE PARTNERS (enter first name, middle initial, last name mited Partner, or General and Limited Partner)	e, and title, e.g.
(check if applicable)	[] There is more partnership information and Par. 1(c) is continued Attachment to Par. 1(c)" form.	on a "Rezoning
successively until: (a) or has no shareholder ownin CONTRACT PURCHAS must include a listing an	clude partnerships, corporations, or trusts, to include the names of beneficiaries ally individual persons are listed or (b) the listing for a corporation having more ag 10% or more of any class of stock. In the case of an APPLICANT, TITLE SER, or LESSEE* of the land that is a partnership, corporation, or trust, such further breakdown of all of its partners, of its shareholders as required aboves. Such successive breakdown must also include breakdowns of any partners.	e than 10 shareholders E OWNER, ch successive breakdown ove, and of

trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on

FORM RZA-1 Updated (7/1/06)

the attachment page.

				REZONING AFFIDAVIT	
			DATE	: September 5, 2014 (enter date affidavit is notarized)	124
for Ap	plicati	on No. (s): PCA	2010-LF (enter	County-assigned application number(s))	
1(d).	One	of the following b	ooxes <u>m</u>	ust be checked:	
	[]	of any and all ot and beneficiary	her indiv of a trust	listed in Paragraphs 1(a), 1(b), and 1(c) above, the foll viduals who own in the aggregate (directly and as a shat) 10% or more of the APPLICANT , TITLE OWNE SEE* of the land:	reholder, partner,
	[/]	aggregate (direct	tly and a	red in Paragraphs 1(a), 1(b), and 1(c) above, no individ s a shareholder, partner, and beneficiary of a trust) 109 DWNER, CONTRACT PURCHASER, or LESSEE	% or more of the
2.	his c indiv	r her immediate h	ouseholership of s	County Board of Supervisors, Planning Commission, downs or has any financial interest in the subject land stock in a corporation owning such land, or through an	either
	EXC None	CEPT AS FOLLO	<u>DWS</u> : (<u>]</u>	NOTE: If answer is none, enter "NONE" on the line b	pelow.)
	(che	ck if applicable)	[]	There are more interests to be listed and Par. 2 is cont	inued on a
	(5110)	app.::eac.o)	LJ	"Rezoning Attachment to Par. 2" form.	

REZONING AFFIDAVIT

DATE: September 5, 2014 (enter date affidavit is notarized) 12414ah for Application No. (s): PCA 2010-LE-005 (enter County-assigned application number(s)) That within the twelve-month period prior to the public hearing of this application, no member of the 3. Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above. EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.) None (NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.) There are more disclosures to be listed and Par. 3 is continued on a (check if applicable) "Rezoning Attachment to Par. 3" form. That the information contained in this affidavit is complete, that all partnerships, corporations, 4. and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application. WITNESS the following signature: Applicant [1] Applicant's Authorized Agent (check one) Elizabeth A. Nicholson, agent (type or print first name, middle initial, last name, and title of signee) day of September 20 14, in the State/Comm. Subscribed and sworn to before me this ____5

My commission expires: 11/30/2015

of Virginia , County/City of Arlington

KIMBERLY K. FOLLIN Registration # 283945 **Notary Public** COMMONWEALTH OF VIRGINIA